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In re Application of : DECISION ON
BENGSSON et al :
Application No.: 10/542,671 :
PCT No.: PCT/EP2003/014530 :
Int. Filing Date: 18 December 2003 : PETITION UNDER
Priority Date: 30 January 2003 :
Attorney Docket No.: 47253-00064USPX :
For: TRUNCATION AND LEVEL ADJUSTMENT :
OF RAKE OUTPUT SYMBOLS : 37 CFR 1.181

This decision is in response to the "PETITION UNDER 37 CFR 1.181," filed 28 June 2006 requesting acceptance of a copy of the Declaration filed on 28 December 2005. Applicants have submitted, *inter alia*, a copy of the 28 December 2005 USPTO stamped itemized postcard receipt. The itemized postcard lists, *inter alia*, the following item: Executed Declaration (5 pages).

BACKGROUND

In a communication from this Office on 22 June 2006, the communication stated that no signed Oath or Declaration was found in the application, and that applicants would need to file a 37 C.F.R. 1.181 petition.

On 28 June 2006, USPTO received this petition stating that applicants submitted a response to the Notification of Missing Requirements on December 28, 2005 as evidenced by the stamped USPTO postcard.

DISCUSSION

Applicants' present petition accompanied by a copy of the following documents, filed purportedly, *inter alia*, with the USPTO as indicated in the stamped postcard:

- (1) Executed Declaration (5 pages)
- (2) Check in the amount of \$130.00

The postcard lists the above items and bears a USPTO date of stamp as 28 December 2005.

BEST AVAILABLE COPY

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicants' postcard is accepted as *prima facie* that an Executed Declaration was deposited with the U.S. Patent and Trademark Office on 28 December 2005.

Accordingly, the date of receipt for the Declaration is 28 December 2005.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date is **28 December 2005**.



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